Nathan Clifford

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Herrera's Minister of Relations. The policy of Polk and Buchanan respecting this once famous Protocol was squarely repudiated by Zachary Taylor and his Secretary of State. The exhibit we have in this book from the official files of the legation, and particularly by a number of extremely interesting letters from Buchanan to Clifford when they were both out of office, leave small room for doubt that Clifford's fidelity to the instructions under which he was acting at Mexico City with dignity and success and unsurpassed knowledge of the local requirements of the situation was merely used by Clayton as the customary pretext of hungry partisanship for creating a vacancy in a post coveted.

At any rate, the recall from Mexico sent a happy and contented ex-Minister Clifford back to Portland to replenish his personal fortunes by resuming the private practice of the law, and it opened the way for the final and most important public service in his varied career.

James Buchanan had known Nathan Clifford intimately in the Polk Cabinet and in subsequent unofficial association. There had been frequent and sometimes rather sharp differences of opinion between them, but the senior statesman's admiration of his junior's merits had been constant and progressive. Both for personal and political reasons and on the broadest grounds of selection it was quite natural that at the first opportunity during his own Presidency Buchanan should invite Mr. Clifford to a seat on the bench of the Supreme Court. This occurred at the beginning of 1858. There was considerable opposition in the Senate to his confirmation, due to factional discord in the Democratic party; Clifford was an anti-Douglas man. The nomination was confirmed with the aid of Republican votes. It is pleasant to observe that his fellow townsman and inveterate political opponent, Senator Fessenden, spoke and voted in his favor. The appointment, moreover, appealed strongly to State pride, Justice Clifford had been the first Cabinet officer chosen from Maine, and he was now Maine's first representative in the Supreme Court; indeed, she has never had another.

In the Supreme Court.

For almost a quarter of a century, Mr. Justice Clifford sat in the Supreme Court, at first with Chief Justice Taney, whom he loved, and afterward with Taney's successors, Chase and Waite. In this long period Justice Clifford witnessed a complete change in the exalted bench, not only in the personnel but also as to its general judicial policy and attitude toward political questions. He saw the ante-bellum members depart and die. He saw them replaced by new associates with new ideas of constitutional interpretation, growing out of the emergencies of the civil war and of reconstruction. He became in time the sole survivor of the ancient judicial regime, but he sat tight for the maintenance of his lifelong convictions, no matter how irresistibly the weighty pendulum of ultimate law swung back away from Taney toward John Marshall. Nevertheless, he held throughout the esteem and admiration of his fellow members of the court, the respect of the American bar for the learning and force of his opinions, and the confidence of the people in his unswerving faithfulness to Justice.

It does not appear that the purity of Judge Clifford's motives was ever more than once conspicuously assailed. That was by James G. Blaine, in the excitement of a political campaign, with reference to a decision in the First Circuit in a claim case against Gen. Neal Dow. The attack from the stump was ugly. All the counsel in the case and Republican friends of Mr. Blaine's, informed as to the facts, hastened to give him evidence of the impossibility of the truth of the charge he had too hastily made, but he neither withdrew it nor apologized, or even acknowledged these friendly letters; and the circumstance remains a blemish on Blaine's reputation for fairness.

Of the numerous notable opinions by Justice Clifford which the Reports contain, constituting his monument as a great jurist, his own especial favorite seems to have been that in which he stood with the Republican Chief Justice in the minority opposing the revolutionary reversal of the court's previous decision as to the unconstitutionality of the legal tender acts; a repudiation of earlier doctrine which was effected by the votes of newcomers to the bench, Mr. Justice Bradley and Mr. Justice Strong, against the vigorous protest of Chase, Clifford, Field and Nelson.

The chapter concerning the electoral dispute of 1876, and the proceedings of the Commission of fifteen, over which Justice Clifford presided as the senior of the five members from the Supreme Court, leaves nothing to be desired in the way of clear understanding of the complexities of the situation, the law and facts involved in the controversy, the tremendous change in the result which was probably wrought by Judge David Davis's election to the Senate by the Illinois and the consequent substitution of Bradley as the fifth judge. Firm as was Clifford's conviction of the validity of Tilden's election and steadily as he voted with the partisan seven against the partisan eight, not a word was ever breathed impugning the exact justice of his rulings while he presided over the tribunal. Like many of those whose memories yet retain a lively sense of the significance of that unparalleled crisis, with its outcome determined by political bias and supposed expediency, he always regarded Mr. Hayes as a usurper. He never would enter the White House while Hayes was there.

Nathan Clifford's Private Letters.

The biographer has judiciously lightened the more serious part of the narrative by the publication of a large number of private letters written by Nathan Clifford, many of them to his wife Hannah, and particularly in the earlier stages of his public career. These epistles will be found excellent reading. There is a touch in them of that domestic simplicity and naive self-revelation and primitive thought and minute interest in details of household and family and pecuniary affairs that render so delightful the letters and diaries of a much earlier New England jurist, Judge Samuel Sewall, whose wife was also a Hannah. Some of these passages raise a doubt as to whether the grandson is entirely fair to his eminent grandfather in practically absolving him from the possession of any sense of humor.

Clifford writes rather formally but always lovingly to his absent spouse of his toothaches, the colds in his head, the merits of his boarding places while officially engaged, his solicitudes about the state of the woodpile at home, the danger of the house catching on fire, family expenditures, his personal impressions of the distinguished people he meets, and a multitude of such things in a style markedly in contrast with the stately diction of his professional and official enunciations; and all this makes him seem a very real person. A few examples must suffice:

"I am anxious to get through," he writes from Augusta, "as I do not expect ever to be in the Legislature again. . . . Say nothing. *Burn this.* I wish George to take good care of the colt. Let the stable be cleaned out lest her hind feet will be higher than her head. My love to you & children. My head is nearly well, has not troubled me any." Again: "My boarding House is a good one. People are very kind. Take good care of the children. There is more danger of their taking cold in this warm weather than when it is cold. How is Maam Ayer? Has she wood enough? . . . Have you got your gown made? Who made it?"

From Castine when attending court there as State Attorney-General: "Old Mortality never visited a duller spot than this blessed retirement called Castine. It has been once or twice captured by the British and has as uniformly been abandoned by them voluntarily. At the house where I board there is nothing but the gabble of the landlady from morn to eve, which has as little music in it for me as the quackle of a flock of geese, and it is about as incessant. . . . If I come through Portland I shall buy the children some caps and Bonnets."

From Baltimore, when a delegate to the first national convention of the Democratic party in 1832: "I was but 66 hours travelling from Providence to Washington city. I saw & shook hands with President Jackson at his home, a fine looking man in excellent health & spirits. He has been slandered more than I supposed. He is a gentleman in his manners, not a fop. A man of strong powers and a well cultivated mind. His dress is plain but good."

From Washington in 1841: "Yesterday I dined with the President [Van Buren] & saw the *gold* spoons." A month later: "Gen. Harrison is here. I have seen him. He is an imbecile old man, a mere child." This estimate of the newly elected Whig President was thus privately communicated only a fortnight before Gen. Harrison delivered his inaugural address—that unique document in which there swarmed so many Roman consuls and proconsuls and Athenian demagogues and tyrants, and malefactors of every description in the medieval republics, all summoned by the good but moribund old gentleman to help him rout his political adversaries and throw their ranks into confusion.

From Washington, apologizing to his wife for having some visiting cards printed, and sending her a sample: "There is so much aristocracy here we could not get along decently without bending to this foolish habit of using printed cards. I hope you will not think I have become a dandy, for I assure you it is not so. When among Romans you must bend a little to their customs or be despised." And later: "I am boarded a little cheaper than usual. Of course I shall stay unless the chimney smokes too bad—I mean to spend as little as possible. I took a bad cold when I took off my flannels, but it is better."

The subject of this chronicle of a life full of interest and usefulness was a man of majestic avoirdupois, of impressive dignity of demeanor, of unconquerable appetite for work, an ardent fisherman, a devotee of conscience and duty, a temperate drinker and smoker, a mighty eater, and the soul of kindness and consideration, not merely for those for whom he was immediately responsible but for all who came in contact with him, socially or professionally.

The grandson's fine book about him can be commended without reserve to the general reader as well as to the specialist in political history. It presents the achievement of an upright and just American, genuinely human, who made his own way from the littleness of Newfield into great history by proving himself equal to every requisition on his abilities. It is written with a loyalty that always discriminates, with precision of thought and with an uncommon charm of literary expression.

At Meade's Headquarters

MEADE'S HEADQUARTERS: 1863-1865. Letters of Col. Theodore Lyman. Edited by George R. Agassiz. Boston: The Atlantic Monthly Press.

THEODORE LYMAN was of the elite in Boston, when that city was the intellectual center of the United States. He was born in 1833, the year before his father became Mayor of the Hub. He graduated from Harvard in 1855 and under the inspiration of Louis Agassiz, he devoted himself to natural history and became an authority on Ophiurans. In the winter of 1856, Agassiz sent him to Florida on a scientific mission, and there he met George Gordon Meade, who as captain in the Engineers was superintending lighthouse construction in that district. They were separated in age by eighteen years, but a firm friendship sprang up between them.

In 1863, Theodore Lyman was married and had returned from a trip in Europe. He was under no illusions about war. He knew it to be grim and unpleasant. His friends urged him not to go. However, he said in his "journal." "A man must march when it is his plain duty; and all the more if he has had in this world more than his slice of cake."

When he wrote General Meade asking for the post of Volunteer Aide he said: "My military accomplishments are most scanty. I can ride, shoot and fence tolerably, speak French fluently and German a little, have seen many thousands of troops of most nations of Central Europe, and have read two or three elementary books. After all, I fear my sole recommendation is my wish to do something for the cause. I will take anything you have to offer. If you have nothing, perhaps one of your generals would take me on his staff."

General Meade replied promptly from the Headquarters of the Army of the Potomac. He said: "If you are anxious to see service or think your duty requires you to do so, I shall be very glad to avail myself of your services, and the best position for you is the one I indicated—that of Volunteer Aide. This will leave you free and independent, and enable you whenever you have seen the elephant or have satisfied the demands of duty, to return to your family without embarrassment." Meade then gave him directions as to what he would need.

Colonel Lyman was in the habit of writing a daily letter to his wife. These letters have been edited by George Russell Agassiz for the Massachusetts Historical Association. Mr. Agassiz has selected wisely from the material at his disposal. He has supplemented the letters with extracts from Lyman's "journal." The language of the letters is familiar and could only have been written by a Bostonian of that epoch. There is an interesting blend of rusticity with European culture. The cult of the vernacular had culminated in Lowell's "Bigelow Papers." Lyman speaks at one moment with a Down East twang and in the next with the accents of a true cosmopolite. He frequently compares what he sees in Virginia to things which he and his wife had seen in Europe.

In one of his letters Lyman quotes Grant as saying to a crowd of civilians who proposed to visit the pickets: "No, if I take a crowd of civilians the enemy may fire and some of the soldiers might get hurt." The Army of the Potomac was handicapped by visitors. For political and diplomatic reasons it was impossible to refuse them some hospitality. General Meade was hindered in his work by the inroads that they made upon his time. Almost as soon as Lyman arrived at Headquarters he was delegated to look after the comfort of strangers within the gates. He found it a thankless task. However, he let off steam by telling his wife about the queer or annoying strangers that he had to pilot around. Captain Boleslaski of the Austrian army was deaf and could not speak one word of English. "Sir Henry Holland, the Queen's physician, is one of the liveliest old birds for one of seventy-five that ever was seen." Captain Botiano was an officer from Rumania whom General Meade could not make out because he had no map of Europe." Every week brought a more or less distinguished visitor. It fell to Lyman's lot to entertain French, Italian, English, Canadian, German and Mexican officers, and these visitors furnished him with entertainment in their turn.

War has its comedies as well as peace. Lyman was a genial person and his letters abound with incidents of a humorous nature. He had a keen appreciation of nature. His leters abound with references to birds and flowers. They remind one of Morris Schaff's books in their stress upon the beauty of the scene in which the great national drama was enacted. Lyman was just as keen an observer of the men around him. He portrayed the external appearance and the chief characteristics of those with whom he came in contact. His sketches of the leaders are fragmentary, but they rank in fidelity with the labored historical portraits which Gamaliel Bradford has given us. In particular Lyman gave General Meade the credit which was due him. He admired that leader's consistency in promoting the main object of the campaign. Lyman became more and more interested in strategy. Toward the last the Confederacy was in much the same position as the German empire in this last war. Its only advantage was in having interior lines to defend. Federal victory was achieved in the same way that the Allies defeated the Kaiser's forces. Lyman made a few remarks on the campaign which would almost have been applicable to the recent conflict.

In the last war the trench was used to a remarkable extent. Military critics have claimed that it was a new departure in military science. However, in the civil war trench warfare was used almost as much.